

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
WESTERN DIVISION

AUSTIN FERGE and DOUGLAS WISE, )  
  )  
Plaintiff,                            )  
  )  
vs.                                    )         No. 08-CV-50110  
  )  
FEDERAL EXPRESS CORPORATION,     )  
a Delaware corporation, d/b/a FEDEX   )  
EXPRESS, and FEDEX FREIGHT        )  
EAST, INC., an Arkansas corporation,   )  
  )  
Defendants.                            )

NOTICE OF SERVICE

TO: Mr. James Ellman  
Scopelitis, Garvin, Light, Hanson  
& Feary, P.C.  
30 West Monroe Street, Suite 600  
Chicago, IL 60603

PLEASE TAKE NOTICE that on August 8, 2008, Plaintiffs, AUSTIN FERGE and DOUGLAS WISE, by their attorneys attorneys, CLARK, JUSTEN & ZUCCHI, LTD., served upon the Defendant their Plaintiff's Rule 26(a) Disclosures, a copy of which is attached hereto.

AUSTIN FERGE and DOUGLAS WISE

BY CLARK, JUSTEN & ZUCCHI, LTD.

/s/Kevin J. Frost

BY \_\_\_\_\_

CLARK, JUSTEN & ZUCCHI, LTD.  
7320 N. Alpine Rd.  
Rockford, IL 61111  
(815) 962-6144  
Fax: (815) 962-6153

STATE OF ILLINOIS                  )  
  )  
COUNTY OF WINNEBAGO              ) SS.  
  )

PROOF OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was served upon:

Mr. James Ellman  
Scopelitis, Garvin, Light, Hanson  
& Feary, P.C.  
30 West Monroe Street, Suite 600  
Chicago, IL 60603

the attorney(s) of record to the above cause, by enclosing same in an envelope addressed to such attorney(s) at his business address as set forth above, with postage fully prepaid and by depositing said envelope(s) in the U.S. Mail at Rockford, Illinois, at or about the hour of 5:00 P.M. on the 8th day of August, 2008.

/s/ Jean Apgar

Subscribed and sworn to before me  
this 8th day of August, 2008.

/s/ Mary Lindenberg

Notary Public

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FOR THE NORTHERN DISTRICT OF ILLINOIS  
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EAST, INC., an Arkansas corporation,                                    )  
  )  
Defendants.                            )

PLAINTIFFS' RULE 26(a) DISCLOSURE

NOW COME the Plaintiffs, AUSTIN FERGE and DOUGLAS WISE, by their attorneys, CLARK, JUSTEN & ZUCCHI, LTD., and for their Rule 26(a) disclosure state as follows:

(a)(1)(A) Initial Disclosure:

(i) The name and, if known, the address and telephone number of each individual likely to have discoverable information – along with the subjects of that information - that the disclosing party may use to support their claims or defenses, unless solely for impeachment, identifying the subject of the information:

Austin Ferge, Plaintiff

Will testify as to the occurrence and its aftermath, his medical care providers and other individuals, his physical condition prior to, at the time of and following the occurrence, his course of medical care and treatment, his current condition, his losses and damages and any other matters as disclosed in his deposition, if taken.

Douglas Wise, Plaintiff

Will testify as to the occurrence and its aftermath, his medical care providers and other individuals, his physical condition prior to, at the time of and following the occurrence, his course of medical care and treatment, his current condition, his losses and damages and any other matters as disclosed in his deposition, if taken.

Emergency response personnel, including Rockford Fire Department personnel as follows: Rockford District Chief Steve Bishop; Rockford Engine 1: Captain Greg

Castronovo, Curtis Beilfuss, John Hall, Mark Justen and Daniel Alstrom; Rockford Engine 2: Steve Schultz, Ernest White, Carlos Cajelo, Daniel Robbel; Rockford Engine 8 personnel; Rockford Engine 11 personnel; Rockford Fire Ambulance Charlie 28: Scott Hayes and Joseph Miceli; and Rockford Fire Ambulance Charlie 16: Ryan Esparza and Michael McCallips. The emergency response personnel will testify as to their observations of the scene, the people and vehicles involved, their conversations with others at the scene and their knowledge of the occurrence.

Emergency response personnel including Rockford Police Department personnel, Traffic Investigator James Lake, Traffic Investigator Vernon Sims, Traffic Investigator Rose Matthews, Traffic Investigator Gallagher, Sergeant Person, Officer Bryan Pryne, Officer Heide Kuhls, Officer Bradley Lauer and Officer Kareem Mankarious. These Rockford Police Department personnel testify as to their observations of the scene, the people and vehicles involved, their investigation of the collision, their conversations with others at the scene, their conversations with others with knowledge of the occurrence.

Employees, agents and apparent agents of the Defendant, including, but not limited to Bradley Swinson and Dan Rock, and others whose identities are not currently known to Plaintiffs who were present before, at the time of or immediately after the occurrence, who have knowledge of the occurrence, investigated the occurrence, inspected the vehicles involved, or otherwise have knowledge of the occurrence and the individuals involved in the occurrence.

Physicians and medical personnel of Swedish American Hospital, Rockford, Illinois who were involved in the care and treatment of Austin Ferge and Douglas Wise on or about May 29, 2008. Will testify as to the injuries to the Plaintiff, the treatment thereof, the diagnosis and prognosis of the Plaintiff's injuries including his permanent restrictions and disabilities, the need for future treatment and care and other matters as contained in the records, any reports and depositions, if taken.

**Austin Ferge:**

Physicians and medical personnel of Swedish American Hospital, Rockford, Illinois who were involved in the care and treatment of Austin Ferge on or about May 29, 2008. Will testify as to the injuries to the Plaintiff, the treatment thereof, the diagnosis and prognosis of the Plaintiff's injuries including his permanent restrictions and disabilities, the need for future treatment and care and other matters as contained in the records, any reports and depositions, if taken. Physicians include, but may not be limited to:

Dr. Mary Keller

Dr. Michael Sims

Dr. Michael Lehmann

Will be supplemented as the investigation continues.

Dr. Jerome Weiskopf will testify as to the injuries to the Plaintiff, his treatment thereof, his diagnosis and prognosis of the Plaintiff's injuries including his permanent restrictions and disabilities, the need for future treatment and care and other matters as contained in his records, any reports and his deposition.

Physicians and medical personnel of Crusader Clinic, including but not limited to, Dr. Gregory Campbell will testify as to the injuries to the Plaintiff, his treatment thereof, his diagnosis and prognosis of the Plaintiff's injuries including his permanent restrictions and disabilities, the need for future treatment and care and other matters as contained in his records, any reports and his deposition

Douglas Wise:

Physicians and medical personnel of Swedish American Hospital, Rockford, Illinois who were involved in the care and treatment of Douglas Wise on or about May 29, 2008. Will testify as to the injuries to the Plaintiff, the treatment thereof, the diagnosis and prognosis of the Plaintiff's injuries including his permanent restrictions and disabilities, the need for future treatment and care and other matters as contained in the records, any reports and depositions, if taken. Specific identities of physicians are not known at this time and will be supplemented as the investigation continues.

Physicians and medical personnel of University of Wisconsin Hospitals & Clinics, Madison, Wisconsin, including but not limited to physicians and medical care who were involved in the care and treatment of Douglas Wise on or about May 29, 2008, through his discharge on June 16, 2008, and thereafter. Will testify as to the injuries to the Plaintiff, the treatment thereof, the diagnosis and prognosis of the Plaintiff's injuries including his permanent restrictions and disabilities, the need for future treatment and care and other matters as contained in the records, any reports and depositions, if taken. Physicians include, but may not be limited to:

Dr. J. George Thomas (Department of Orthopedics & Rehabilitation)  
Jennifer L. Mertes (Occupational Therapist)  
Nicole Van Heuklon (Physical Therapist)  
Amy E. Eckert (Speech Language Pathology/Rehab Speech Department)  
Dr. Stephen Deutsch (Department of Orthopedics & Rehabilitation)  
Dr. Deloral Mount (Department of Surgery/Plastic Surgery)  
Dr. John W. Siebert (Department of Surgery/Plastic Surgery)  
Dr. Ashish Mahajan (Department of Surgery/Plastic Surgery)  
Dr. Kenneth Kudsk (Department of Surgery/Tracheostomy & Placement of Percutaneous Endoscopic)  
Dr. Ben Mandel (Department of Surgery/Tracheostomy & Placement of Percutaneous Endoscopic)  
Dr. John F. Doyle DDS (Section of Dentistry of Plastic Surgery)  
Dr. Barbara A. Blodi (Department of Ophthalmology and Visual Sciences)  
Dr. Amy N. Badger (Department of Ophthalmology and Visual Sciences)  
Dr. Michael J. Schurr (Trauma Admission)  
Dr. Jeffrey Larson (Trauma Admission)

Will be supplemented as the investigation continues.

(ii) A copy of, or a description by category and location of, all documents, data compilations, and tangible things that are in the possession, custody or

control of the party and that the disclosing party may use to support its claims or defenses, unless solely for impeachment:

1. DVD/Videos received from news media in Rockford, Illinois, including
2. Medical records and bills for the care and treatment of Austin Ferge.
3. Medical records and bills for the care and treatment of Douglas Wise.
4. Various photographs of Austin Ferge and Douglas Wise.

Investigation continues.

(iii) A computation of any category of damages claimed by the disclosing party, making available for inspection and copying as under Rule 34, the documents or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including materials based on the nature and extent of injuries suffered.

See answer to (ii) above. Complete and specific damages have not been determined at this time. Investigation continues.

(iv) For inspection and copying under Rule 34, any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payment made to satisfy the judgment.

Not applicable.

(2) Disclosure of Expert Testimony:

(A) In General: The identity of any witness Plaintiff(s) may use a trial to present evidence under Federal Rule of Evidence 702, 703, or 705.

Physicians and medical personnel of Swedish American Medical Center, Rockford, Illinois, who were involved in the care and treatment of Austin Ferge. Will testify as to the injuries to the Plaintiff, the treatment thereof, the diagnosis and prognosis of the Plaintiff's injuries including his permanent restrictions and disabilities, the need for future treatment and care and other matters as contained in the records, any reports and depositions, if taken.

Physicians and medical personnel of Swedish American Medical Center, Rockford, Illinois, who were involved in the care and treatment of Douglas Wise. Will testify as to the injuries to the Plaintiff, the treatment thereof, the diagnosis and prognosis of the Plaintiff's injuries including his permanent restrictions and disabilities, the need for future treatment and care and other matters as contained in the records, any reports and depositions, if taken.

Physicians and medical personnel of University of Wisconsin Hospitals & Clinics, Madison, Wisconsin, who were involved in the care and treatment of Douglas Wise. Will testify as to the injuries to the Plaintiff, the treatment thereof, the diagnosis

and prognosis of the Plaintiff's injuries including his permanent restrictions and disabilities, the need for future treatment and care and other matters as contained in the records, any reports and depositions, if taken.

Investigation continues.

(B) Written Report: None at this time other than as may be contained in the medical records.

Investigation continues.

AUSTIN FERGE and DOUGLAS WISE

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/s/ Kevin J. Frost

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/s/ Jean Apgar

Subscribed and sworn to before me  
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/s/ Mary Lindenberg

Notary Public